

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:23-cv-00012-MR**

<b>ROBERT PRICE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	
	)	<b><u>ORDER</u></b>
	)	
<b>ALLEN NORMAN, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**THIS MATTER** is before the Court on review of the docket in this matter.

Pro se Plaintiff Robert Price (“Plaintiff”) filed this action on January 9, 2023, pursuant to 42 U.S.C. § 1983. [Doc. 1]. Plaintiff is proceeding in forma pauperis. [Docs. 2, 10]. The Court conducted initial review of Plaintiff’s Complaint pursuant to 28 U.S.C. § 1915(e)(2). [Doc. 13]. The Court found that Plaintiff failed to state a claim upon which relief can be granted and allowed Plaintiff thirty (30) days to amend his Complaint in accordance with the terms of the Court’s Order. [Id.]. The Court advised Plaintiff that if he failed to timely file an amended Complaint, this action would be dismissed without prejudice. [Id. at 9]. Soon after, Plaintiff filed a “Declaration Reconsideration,” in which Plaintiff purports to “admit” that “the Court

appears to be in confusion of the facts and issues, as after frivolity review and service on defendants discovery will provide facts.” [Doc. 14 at 1]. Plaintiff further states that he “stands on his claim and if the Court moves to deny or dismiss give proper recordation of all matters to grant Fourth Circuit jurisdiction.” [Id.]. Apparently, therefore, Plaintiff declines to amend his Complaint as ordered by the Court. In any event, more than 30 days have passed, and Plaintiff has not filed an amended complaint. The Court will, therefore, dismiss this action without prejudice for Plaintiff’s failure to state a claim for relief and his failure to timely amend his Complaint.

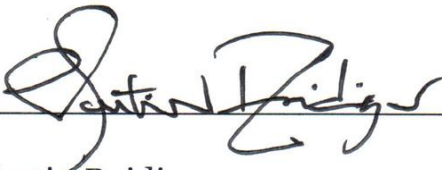
**ORDER**

**IT IS, THEREFORE, ORDERED** that Plaintiff’s Complaint [Doc. 1] is dismissed without prejudice in accordance with the terms of this Order.

The Clerk is instructed to terminate this action.

**IT IS SO ORDERED.**

Signed: May 1, 2023

  
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Martin Reidinger  
Chief United States District Judge

